IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.197 OF 2007
IN
SECOND APPEAL (ST) NO.23331 OF 2003

Sadhu Dattu Kolekar since deceased through LRs ..Applicants

V/s.

Tukaram Ramchandra Vanmane ..Respondent

Mr.P.K.Dhakephalkar, advocate for the appellants
Mr.S.S.Shah, advocate for the respondent

CORAM : B.H.MARLAPALLE, J.

DATE : 3RD APRIL, 2007

P.C.

1. Heard. In filing the second appeal under stamp No.23331 of 2003, there is a delay and therefore, this application for condonation of the same.

2. As per office note, the delay caused is of 148 days and not by 48 days as contended by the applicants-original defendants. Second appeal is statutory remedy and it is contended that the appeal could not be filed in time because the

applicants are located in rural areas and they were not aware of the final order passed by the lower appellate Court. They also contend that there was some problem in communicating learned advocate to file the second appeal. There is no doubt that the delay caused in filing the second appeal deserves to be condoned.

3. Hence, this application is allowed in terms of prayer clause (a) and the delay of 148 days is hereby condoned subject to payment of costs quantified at Rs.1000/- and to be remitted to the Maharashtra State Legal Services Authority within two weeks from today.

(B.H.MARLAPALLE, J.)